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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,177	10/22/2001	Steven D. White	3060	7316

7590 08/26/2003

Law Office of Albert S. Michalik PLLCq  
704-228th Avenue NE  
Suite193  
Sammamish, WA 98074

EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/26/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,177

Applicant(s)

WHITE ET AL.

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

WCV

### **DETAILED ACTION**

1. This Action is in response to the papers filed 03 September 2002.

#### ***Priority***

2. This Application claims the benefit of provisional application 60/275,809, which has a filing date of 14 March 2001. Thus, the effective filing date for the subject matter defined in the pending claim in this application is 14 March 2001.

#### ***Information Disclosure Statement***

3. The references listed in the Information Disclosure Statement submitted on 03 September 2002, have been considered by the examiner (see attached PTO-1449).
4. The application has been examined. **Claim 1** is pending. The objection(s) and rejection(s) cited are as stated below:

#### ***Specification***

5. The disclosure is objected to because of the following informalities: The specification references provisional application as well as a related application entitled "Schema-Based Services for Identity-Based Data Access". The current state of these applications, reflecting the status of present pendency, (i.e., abandonment or patent maturity), including associated patent numbers, should be amended into the specification.

Appropriate correction is required.

### *Claim Objections*

6. **Claim 1** is objected in view of 37 CFR 1.75, because the specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his/her invention or discovery. The applicant recites on page 116, line 10, “**the role** of each subscribing”. The Examiner will interpret “**the role** of each subscriber” to mean, “**a role** of each subscriber”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Reed et al., (Reed), U.S. Patent No. 5,862,325.

8. Regarding **claim 1**, Reed discloses *in a computer network* [see Reed, Figure 5], *a system comprising, a first service* (provider computer, item 1) *for providing access to data based on an associated identity of each user* (Reed teaches providing access to the provider database can be based upon the system ID, which could represent a password, encryption key, or any similar value to allow authentication), [see Reed, Col. 26, lines 3-24, Col. 133, lines 7-18]; *a second service* (consumer computer, item 2) *for providing access to data based on an associated identity of each user* (Reed teaches authentication of a user based upon a key attribute. Reed further teaches that a distribution server and the consumer program can be combined. Reed also teaches that the consumer program also takes part in controlling access to different objects), [see Reed, Col. 26, lines 12-17 and Col. 129, lines 3-12]; *and a communications mechanism* (provider program, item 12) *configured to exchange information between the first service and the second*

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*service* (Reed teaches that the provider operates to transmit changes in information stored in the provider database at the provider computer. When changes are made to the information in the database, the provider program operates to disseminate (exchange) the changed information through the communication network), [see Reed, Col. 13, lines 15-45], *the first service configured as a publisher of change data made by users via the first service* (Reed teaches that the provider program can serve as a publisher as well as facilitating as a state machine for change data), [see Reed, Col. 13, lines 15-25 and Col. 28, lines 39-65], *and the second service configured as a subscriber of the change data the communications mechanism communicating change information of the first service to the second service* (Reed teaches that the consumer program on the consumer computer polls the distribution server to determine whether the information has changed), [see Reed, Col. 13, lines 30-43] *determining the role of each subscribing user and filtering the data based on each determined role* (Reed teaches that the provider and consumer programs both have the capability to filter and process communication between one another. Reed further teaches that special elements called preference elements are used to control communications object processing which is based upon a unique system ID (subscriber's role)), [see Reed, Col. 7, lines 58-67, Col. 8, lines 1-3, Col. 19, lines 23-67 and Col. 20, lines 1-25].

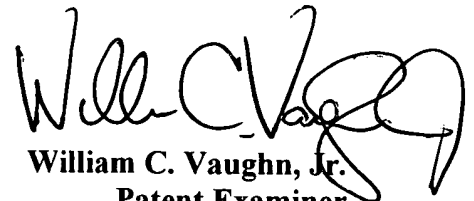
### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



**William C. Vaughn, Jr.**

**Patent Examiner**

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**August 22, 2003**